

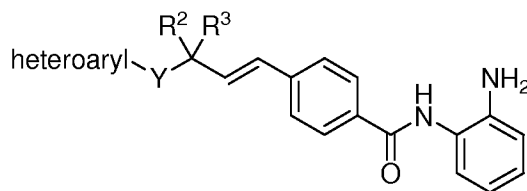
## Arguments/Remarks

Claims 12, 22, and 23 have been amended to correct formal matters. Claim 17 has been amended to recite that the specified moieties define  $R^1$ -Y. Support for this amendment can be found in paragraph 31 of the specification.

The applicants respectfully submit that the basis of the restriction requirement is improper for at least two reasons. First, in order to impose a restriction requirement the Office must demonstrate that the claims lack a special technical feature(s) not present in the prior art. The Office has only alleged that the compounds of the claims “are structurally divergent and chemically disparate groups” but has not otherwise shown that they lack a special technical feature.

Furthermore, the Groups recited in the restriction requirement do not encompass all the compounds encompassed within the scope of the claims and specification. For example, the compounds of claims 12-17 are purported to be represented by Groups IX-XIV. But Groups IX-XIV encompass only compounds in which  $R^1$  is aryl or one of five specified heteroaryl compounds whereas claim 12, for example, encompasses compounds in which  $R^1$  is any heteroaryl.

In an effort to advance prosecution, the applicants suggest a Group corresponding to Group IX but in which  $R^1$  is heteroaryl rather than aryl. The applicants respectfully submit that the compounds of claims 12-17 in which  $R^1$  is heteroaryl share at least the special technical features of (a) being histone deacetylase inhibitors and (b) the following common structure:



wherein Y and  $R^2$  and  $R^3$  are as defined in the claims. Claims 12-17 encompass the elected invention.

The applicants are aware that “heteroaryl” encompasses a large number of moieties, but they respectfully submit that because the compounds of claim 12 in which  $R^1$  is heteroaryl share a special technical feature as explained above they are properly examined as a single group. The applicants further respectfully submit that electing  $R^1$  as “heteroaryl” is a fair and reasonable

election especially considering that the Office Action itself had indicated that R<sup>1</sup> defined as “aryl” was an acceptable choice.

If the examiner believes a teleconference will advance prosecution, he is encouraged to contact the undersigned as indicated below.

Respectfully submitted,

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